

**State Board of Forestry and Fire Protection**

**Findings Pursuant to Government Code Section 11346.1(b) in Support of  
Adoption of Emergency Rules to Implement**

**Emergency Notice for Maintenance of Fire Lookouts and Emergency  
Communication Facilities - 2007**

**Public Notice Date: June 19, 2007**

**Proposed OAL Filing Date: June 27, 2007**

The California State Board of Forestry and Fire Protection (Board) is promulgating an emergency regulation necessary to amend regulations under the Forest Practice Rules (FPR) Title 14, Chapter 4, 5 and 6. The proposed emergency rule establishes a new Emergency Condition under 14 CCR 1052.4 (f). The proposed Emergency Condition declares that trees that obscure the line of sight of lookout towers may be removed when an Emergency Notice is filed with the California Department of Forestry and Fire Protection (CAL FIRE). This action is being taken in accordance with Government Code 11346.1 and 11349.6 of the Administrative Procedures Act.

The proposed emergency regulation amends the following regulations in Title 14 Chapter 4, 5 and 6 of the Forest Practice Rules:

- § 895 Abbreviations Applicable Throughout Chapter**
- § 895.1 Definitions**
- § 1052 Emergency Notice**
- § 1052.1 Emergency Conditions**
- § 1052.5 Emergency Notice for Fire Lookouts and Emergency Communication  
Facilities**

Information on this emergency regulation may be requested by mail and should be addressed to

Board of Forestry and Fire Protection  
Attn: Christopher Zimny  
Regulations Coordinator  
P.O. Box 944246  
Sacramento, CA 94244-2460  
Tel: (916) 653-9418

Information requests can also be hand couriered or delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection  
Room 1506-14  
1416 9<sup>th</sup> Street  
Sacramento, CA

Information requests may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Information requests may also be sent via e-mail at the following address:

[board.public.comments@fire.ca.gov](mailto:board.public.comments@fire.ca.gov)

## **I. Finding of Emergency**

The Board finds that CAL FIRE maintains a system of wildland fire detection that relies on lookout towers during serious fire season conditions such as the conditions anticipated this year, and during periods of extreme fire weather. These lookouts are essential for detection of wildfires in the surrounding communities.

The Board finds that lookouts towers, like all other elements of CAL FIRE's emergency response infrastructure, need to be protected and maintained for the detection of wildfires in the surrounding communities.

The Board finds CAL FIRE's Siskiyou Unit (SKU) requires commercial trees be removed from an industrial ownership adjacent to the Quartz Hill Fire Lookout to improve the view for fire detection. The removal is essential to maintaining a full view of the area and "line-of-sight" for the lookout. Trees need to be removed immediately to provide adequate visual clearance for wildland fire detection this fire season.

The Board finds there is an emergency situation present with action needed for immediate preservation of the public peace, health and safety, and the general welfare. The concern is the inability of the forest lookout tower to adequately operate to spot fires and provide fire prevention. The use of the lookout tower is impeded by the growth of the trees and removal of these trees is necessary to restore the lookout function. This action is intended to address the specific circumstances at CAL FIRE's Siskiyou Unit (SKU) Quartz Hill Fire Lookout.

## **II. Authority and Reference**

Public Resources Code (PRC) 4551 authorizes the Board to adopt rules and regulation as it determines are reasonably necessary to enable, implement, interpret or make specific PRC 4592.

## **III. Informative Digest/Background**

The proposed regulation establishes a new Emergency Conditions, pursuant to PRC 4592, to permit the immediate removal of trees obstructing the line-of-sight of certain fire lookout

towers without requiring a Timber Harvesting Plan (THP). This Emergency Condition allows the applicant to file an Emergency Notice (instead of a THP) for the immediate removal of the commercial trees. The new Emergency Condition is entitled in 14 CCR 1052.1 and the requirements for implementing the harvesting are entitled in 14 CCR 1052.5. The proposed regulation also includes a new abbreviation, definition, and Emergency Notice form for purposes of clarity, enforceability and brevity.

CAL FIRE maintains a system of wildland fire detection that relies on lookouts during serious fire season conditions such as the conditions anticipated this year, and during periods of extreme fire weather. There are approximately 40 lookouts located in 11 of the CAL FIRE Units, primarily in the northern part of the State. The lookouts may only be staffed during peak fire season or during periods of high fire danger. These lookouts, like all other elements of CAL FIRE's emergency response infrastructure need to be protected and maintained for the detection of wildfires in the surrounding communities. Many CAL FIRE lookouts were initially sited and constructed in the 1930's and 1940's, at which time all the trees blocking the view were removed. Currently, (70 to 80 years later) trees have been reestablished on sites surrounding some of the lookouts, resulting in an impediment to effective detection. CAL FIRE has maintained the trees on the State-owned property the lookouts are on, but cannot remove the trees on adjacent ownerships blocking the line-of-sight or otherwise treat the trees to reduce the visual impediment.

CAL FIRE's Siskiyou Unit (SKU) requires that commercial trees be removed from an industrial ownership adjacent to the Quartz Hill Fire Lookout to improve the view for fire detection. The goal of the project is to protect the lookout and maintain the fire defense infrastructure for the detection of wildfires in the surrounding communities. A portion of the area around the lookout is owned by CAL FIRE and is maintained to permit full view of the area within "line-of-sight" through CAL FIRE's parcel. However, a portion of the area around the lookout is owned by a pension investment group named Timber Vest, which is managed by Mason, Bruce, and Girrard (MBG). MBG has two to three acres within 500 feet of the lookout that has trees partially blocking the view to the north. CAL FIRE requires the removal of the overstory trees (< 24" diameter breast height) in addition to complete slash clean-up and other fuels treatment around the lookout to protect the structure. MBG does not plan on having a THP submitted for that property for at least three to four years, but SKU requires that the trees be removed immediately to provide adequate visual clearance for wildland fire detection this fire season.

CAL FIRE anticipates additional lookouts will need similar maintenance in the future and will explore potential long-term solutions through the regular rulemaking process under the Board of Forestry and Fire Protection's authority; however, the situation that has been identified above requires immediate action to address concerns for this fire season. In the future MBG will maintain this area under THPs, wherein they will remove trees around the lookout that are getting tall enough to block the view.

## **V. Disclosures Regarding the Proposed Action**

The Board has determined the proposed action will have the following effects:

- Mandate on local agencies and school districts: None
- Costs or savings to any State agency: No direct savings identified although long term fire suppression costs and loss to public trust natural resources may be reduced by an unestimated amount. The regulation also could result in unknown, potentially significant, General Fund cost avoidance by reducing forest fire risk and making it easier for CDF to contain fires while they are small; thereby preventing large conflagrations. CDF annually spends more than \$400 million from the General Fund on fire protection and suppression.
- Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC §17500: None
- Other non-discretionary cost or savings imposed upon local agencies: None
- Cost or savings in federal funding to the State: None
- The Board has made an initial determination that there will be no statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or businesses would necessarily incur in reasonable compliance with the proposed action.
- Significant effect on housing costs: None
- Adoption of these regulations will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.
- Effect on small business: None. The Board has determined that the proposed amendments will not have an adverse affect on small business. The proposed regulation is designed to provide regulatory relief, leading to substantial reduction in regulatory filing and preparation fees.
- The proposed rules do not conflict with, or duplicate Federal regulations.

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